

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8842 submitted by

LAWRENCE A. FRANK, FOR THE LAWRENCE A.  
AND VERONICA B. FRANK LIVING TRUST  
12497 SUBLIMITY ROAD NE  
SUBLIMITY, OREGON 97385

The right to be modified, as evidenced by a PORTION of Certificate 67583, was perfected under Permit G-10726 with a date of priority of MAY 11, 1987. The right allows the use of A WELL, in the MILL CREEK BASIN, for IRRIGATION OF 18.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.24 cubic foot per second, if available at the original well; SW $\frac{1}{4}$  NW $\frac{1}{4}$ , AS PROJECTED WITHIN G. BROWN DLC 63, SECTION 34, T 8 S, R 1 W, W.M.; 630 FEET NORTH AND 290 FEET EAST FROM THE W $\frac{1}{4}$  CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre-feet per acre for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  7.7 ACRES  
AS PROJECTED WITHIN G. BROWN DLC 63  
LOT 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) 8.3 ACRES  
SECTION 33

NW $\frac{1}{4}$  NW $\frac{1}{4}$  1.3 ACRES  
AS PROJECTED WITHIN G. BROWN DLC 63  
LOT 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) 1.5 ACRES  
SECTION 34

TOWNSHIP 8 SOUTH, RANGE 1 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to **TEMPORARILY** change the place of use to:

SW $\frac{1}{4}$  SW $\frac{1}{4}$  2.8 ACRES  
AS PROJECTED WITHIN G. BROWN DLC 63  
LOT 2 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) 16.0 ACRES  
SECTION 34

TOWNSHIP 8 SOUTH, RANGE 1 WEST, W.M.

THIS **TEMPORARY** CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.
2. The former place of use shall **not** be irrigated as part of this water right during the 2001, 2002, and 2003 irrigation seasons.
3. The use shall revert to the authorized place of use at the **end** of the 2003 irrigation season.

4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water right described by Certificate 67583 shall continue to be in accordance with the terms and conditions of Certificate 67583.

WITNESS the signature of the Water Resources  
Director, affixed                     AUG 29 2001                    .

  
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For Paul R. Cleary, Director